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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,005	10/24/2003	John W. Forsberg	1023-294US01	9349
28863	7590	09/08/2009		
SHUMAKER & SIEFFERT, P. A. 1625 RADIO DRIVE SUITE 300 WOODBURY, MN 55125			EXAMINER FLORY, CHRISTOPHER A	
			ART UNIT 3762	PAPER NUMBER
			NOTIFICATION DATE 09/08/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JOHN W. FORSBERG, MARK E. SCHOMMER,
DAVID P. OLSON, WILLIAM C. PHILIPS, ALEX C. TOY
and CHARLES R. LEWIS, JR.

Application 10/693,005
Technology Center 3700

Mailed: September 4, 2009

Before Eric W. Hawthorne, *Supervisory Paralegal Specialist*

ORDER DISMISSING APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on August 24, 2009. A review of the application revealed that a “PETITION UNDER 37 C.F.R. § 1.181 (a) TO REQUEST DESIGNATION OF NEW GROUNDS OF REJECTION IN EXAMINER’S ANSWER” was filed on June 1, 2009. The above petition was granted.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on June 1, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

CONCLUSION

Accordingly, it is ORDERED that the application be returned to the Examiner:

- 1) consider the Reply Brief filed June 1, 2009, as indicated above; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWL/LV

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